

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	January 1, 2021
Time of Incident:	12:08 pm
Location of Incident:	████████████████████
Date of COPA Notification:	January 1, 2021
Time of COPA Notification:	12:37 pm

Off-duty Officer Fredrick White (Officer White) was parking his personal vehicle off the alley near his residence when he observed a Pontiac sedan traveling rapidly down the alley in his direction. The Pontiac struck a garage on the north side of the alley and stopped adjacent to Officer White’s vehicle. The driver, subsequently identified as ██████████ exited the vehicle, appeared angry, and was holding a firearm. ██████████ approached Officer White, who was still seated in his vehicle, and pointed the firearm at him. Officer White discharged his weapon at ██████████ returned fire and then fled over a fence. ██████████ and the vehicle’s two passengers were subsequently apprehended and placed into custody.

Any discharge of an officer’s firearm triggers a mandatory notification to the Civilian Office of Police Accountability (COPA). This investigation was initiated pursuant to such notification.¹ After review of all available evidence, COPA finds that Officer White’s use of deadly force was within Chicago Police Department (CPD) policy. However, COPA finds that Officer White failed to register his firearm with CPD, failed to qualify with his firearm, and did not load his firearm consistent with CPD policy.²

II. INVOLVED PARTIES

Involved Officer #1:	Fredrick White; Star# 2922; Employee ID# ██████████ Date of Appointment: January 16, 2018; Police Officer; Unit: 11 th District; Male; Black
Involved Individual #1:	██████████ Male; Black
Involved Individual #2:	██████████ Male; Black
Involved Individual #3:	██████████ Male; Black

¹ The notification was issued Log No. 2021-0001.

² CPD initiated Log No. 2021-0005 for the unregistered handgun. Log 2021-0005 was later administratively closed, and the allegations that were originally made in Log 2021-0005 have been addressed here, in Log 2021-0001.

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Fredrick White	1. It is alleged that on or about January 1, 2021, at approximately 12:08 p.m., at or near ██████████ you: failed to fully load your Glock Model 19 (Gen 5), semi-automatic pistol, serial number ██████████ with only one manufacturer and style of prescribed ammunition, in violation of U04-02.	Sustained / 10-Day Suspension
	2. It is alleged that prior to and on January 1, 2021, you: failed to register your Glock Model 19 (Gen 5), semi-automatic pistol, serial number ██████████ with the Department, in violation of U04-02.	Sustained / 10-Day Suspension
	3. It is alleged that prior to and on January 1, 2021, you: failed to qualify with your Glock Model 19 (Gen 5), semi-automatic pistol, serial number ██████████ in violation of U04-02.	Sustained / 10-Day Suspension

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
2. Rule 3: Any failure to promote the Department’s efforts to implement its policy or accomplish its goals.
3. Rule 5: Failure to perform any duty.
4. Rule 6: Disobedience of an order or directive, whether written or oral.

General Orders

1. G03-02: Use of Force (effective February 29, 2020, to April 14, 2021)³
2. G03-02-01: Force Options (effective February 29, 2020, to April 14, 2021)⁴

³ Attachment 67.

⁴ Attachment 68.

3. G03-02-03: Firearm Discharge Incidents – Authorized Use and Post-Discharge Administrative Procedures (effective February 29, 2020, to April 14, 2021)⁵

Special Orders

1. U04-02: Department Approved Weapons and Ammunition (effective February 29, 2020, to May 6, 2021)⁶

V. INVESTIGATION⁷

a. Interviews

In a statement to COPA on January 12, 2021, **Officer Fredrick White** said that on the day of the incident he was in his personal vehicle, a black 2021 Jeep Wrangler, returning home from running errands.⁸ Officer White was dressed in civilian clothing. As he drove northbound on Keeler Avenue, south of Roosevelt Road, he observed a blue Pontiac sedan double-parked in the northbound lane, facing south. Officer White did not know the model of the Pontiac sedan. There were three or four people standing around the sedan, but Officer White could not see who was inside the sedan. Officer White made a right turn down the alley, traveling eastbound, followed by a right turn into a second alley, traveling southbound down Kedvale's west alley. As Officer White reversed his Jeep into the rear driveway of his residence, the same Pontiac sped northbound down the alley. Officer White presumed the Pontiac drove south on Keeler and turned left on 13th Street. The Pontiac was driving too fast for conditions, as the road was slick due to rain or snowfall from the previous night, and there was ice in the alley. The Pontiac's driver, later identified as ██████████⁹ slammed on the brakes and the Pontiac slid into a garage across from Officer White's building. ██████████ was the only person Officer White saw at the time. ██████████ then reversed the Pontiac and stopped in front of Officer White's Jeep, blocking him in.¹⁰

██████████ exited the driver seat of the Pontiac, glanced at his damaged front bumper, and looked toward Officer White with a "pissed off look in his face, upset, noticeably like he wants to do something."¹¹ Officer White retrieved his off-duty firearm from his Jeep's cupholder and held it at the low-ready position. Officer White explained that he keeps his firearm in the cupholder when he is driving so that it is readily available. As ██████████ walked around the front of the Pontiac, Officer White observed a silver, semi-automatic gun in ██████████ left hand. ██████████ approached the front driver side of Officer White's Jeep and pointed the gun at Officer White. Officer White and ██████████ exchanged gunfire when ██████████ was within ten feet of Officer White. Officer White was unsure who discharged their weapon first, but

⁵ Attachment 69.

⁶ Attachment 70.

⁷ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁸ Attachments 12, 50.

⁹ Officer White described ██████████ as a black male, medium brown complexion, approximately 6'2" tall, slim build, with long dreadlocks past his shoulder.

¹⁰ The front of Officer White's Jeep faced west, and the Pontiac faced north, with the Pontiac's passenger side closest to Officer White's Jeep.

¹¹ Attachment 50, transcribed statement of Officer White, page 26, lines 12-13.

he did not fire until after he saw [REDACTED] raise the gun, which was aimed at him.¹² Officer White saw muzzle flashes from [REDACTED] gun and heard the rounds striking his Jeep. [REDACTED] retreated as he discharged his weapon, still facing Officer White. Officer White believed [REDACTED] fled southbound down the alley. Officer White stopped firing once [REDACTED] left his line of sight. Officer White believed he fired his weapon eight to ten times from the driver seat of his vehicle through his front windshield, driver side window, and doorframe. Officer White explained that his car door was closed, and the windows were up.

Officer White exited his Jeep. A second subject, subsequently identified as [REDACTED] [REDACTED]¹³ exited the Pontiac from the front driver-side door,¹⁴ jumped a fence and fled westbound. Officer White walked toward his apartment to dial 911 in a safe, secure area. Officer White's first-floor neighbors heard the commotion and beckoned him to come to their apartment. He dialed 911 from their phone, identified himself as a police officer, and requested a 10-1 for officer assistance.¹⁵ He reported that some guys attempted to carjack him, and gunshots were fired.

Officer White returned to his Jeep and waited for backup. As responding officers arrived, a third occupant of the Pontiac, later identified as [REDACTED] exited from the front or rear driver-side door and attempted to flee; however, officers apprehended him.¹⁶ Officer White gave the responding officers and sergeant a description of the subject who fired at him and the other subject who fled. Officers conducted a show-up,¹⁷ and Officer White positively identified [REDACTED] [REDACTED] as the person who fled. Officer White later viewed a photographic line-up and positively identified [REDACTED] as the subject who shot at him.¹⁸

Officer White said he was unaware that he had mixed ammunition in his firearm and believed it was all the same. Officer White explained that he purchased the firearm approximately three months prior to the incident and forgot and/or did not have the opportunity to register it. Officer White subsequently registered the weapon following the incident. Officer White acknowledged that he had not qualified with the weapon, as he did not have time. Officer White added that the weapon used in this incident was his auxiliary weapon. His duty weapon was inside his residence.

In an **Electronically Recorded Interview** on January 1, 2021,¹⁹ [REDACTED] told detectives that he and his brother, [REDACTED] were riding in a blue vehicle being driven by [REDACTED] friend, [REDACTED]²⁰ [REDACTED] fell asleep and was awakened by the sound of a gunshot and glass

¹² Attachment 50, pg. 33; Attachment 50, pg. 36.

¹³ Officer White described [REDACTED] as dark-skinned, wearing red joggers and a black coat.

¹⁴ Officer White presumed [REDACTED] was the front seat passenger and crawled into the driver's seat.

¹⁵ Officer White believed his phone was in his pocket.

¹⁶ Officer White was unaware [REDACTED] was in the vehicle.

¹⁷ An identification procedure in which a suspect is presented singly and in person to a witness for identification purposes.

¹⁸ Attachment 47.

¹⁹ Attachments 11 (Interview [REDACTED] RM_C_A4), 48.

²⁰ Attachment 11 (Interview [REDACTED] RM_C_A4) at 16:41:16. [REDACTED] further clarifies that they sometimes refer to [REDACTED] as [REDACTED]."

breaking.²¹ ██████ did not see who discharged the firearm and was unsure if anyone in the car had a gun. ██████ saw the police and attempted to run, but he ultimately surrendered.²²

In an **Electronically Recorded Interview** on January 1, 2021,²³ ██████ told detectives that he was in the passenger seat of a car, travelling down an alley.²⁴ ██████ invoked his right to counsel and refused to provide any additional information.

████████ attorney declined COPA's request to interview ██████ regarding the incident.²⁵

b. Digital Evidence

COPA obtained and reviewed **Body Worn Camera (BWC)**²⁶ and **In-Car Camera (ICC)**²⁷ from the responding officers. The following summary reflects the most material evidence to the investigation. A man later identified as ██████ exited the rear driver-side seat of a dark-colored Pontiac and scaled a wrought iron fence in the alley.²⁸ ██████ shirt got stuck on the fence, inhibiting his movement.²⁹ An officer handcuffed ██████ right wrist. ██████ told the officers that he had just woken up and heard gunshots. The officers lifted ██████ over the fence and placed him into custody.

Officer White was wearing a black hooded sweatshirt, black jacket, and black pants with white stripes. His black Jeep was parked with the front end facing the alley. Officer White relayed that the subject who approached him exited the driver seat of the Pontiac with a gun in his hand as Officer White was in his Jeep. According to Officer White, the subject was going to "raise up"³⁰ on him, so Officer White fired at him. Officer White described one of the two fleeing subjects as having dreads, wearing red joggers and a dark-colored hooded sweatshirt,³¹ and standing approximately 6'1" – 6'2" tall.³² Officer Jeffrey Riordan walked to a different location and discovered ██████ in the rear passenger seat of a white van.³³ ██████ had a gunshot wound to his left arm. Officer Riordan applied gauze to ██████ arm and told him an ambulance was on the way. Officers placed ██████ into custody.³⁴ ██████

²¹ Attachment 11 (Interview_ ██████ RM_C_A4) at 16:37:40.

²² See Attachment 11 (Interview_ ██████ RM_C_A4) at 14:30:15 and 16:25:20.

²³ Attachment 11 (Interview_ ██████ RM_E_A4).

²⁴ See Attachment 11 (Interview_ ██████ RM_E_A4) at 19:33:14.

²⁵ Attachment 39. Additionally, ██████ filed a civil suit, but the suit has been stayed pending the outcome of ██████ state-court criminal prosecution. ██████ v. *PO Fredrick White, the City of Chicago, et al.*, 21-CV-06939. Attachments 49 and 71. The criminal case against ██████ where he has been charged with attempted murder and aggravated battery, remains open as of May 5, 2023, and no testimony has been taken. See Register of Actions, *People v. ██████* No. 21-CR-0181501 (Cook Cty. Cir. Ct). Attachment 72.

²⁶ Attachment 11.

²⁷ Attachment 28.

²⁸ Attachment 28, ICC of Officers Zamudio and Faraj (_BT_4112_PC0BT31@20210101130611.mpg) at 03:02.

²⁹ Attachment 11, Officer Miguel Zamudio's BWC (JE100490-5.mp4) at 12:11:23.

³⁰ Attachment 11, Officer Miguel Zamudio's BWC (JE100490-5.mp4) at 12:14:28.

³¹ In an earlier recording, Officer White said that he only recalled the red joggers. See Attachment 11, Officer Ricardo Villegas' BWC (JE100490-6.mp4) at 12:11:50.

³² Attachment 11, Officer Monica Gonzalez' BWC (JE100490-4.mp4) at 12:15:30.

³³ Attachment 11, Officer Jeffrey Riordan's BWC (JE100490-17.mp4) at 12:19:41.

³⁴ Attachment 11, Officer Veronica Reina's BWC (JE100490-15.mp4) at 12:22:00.

██████████ asserted that he did not do anything. The woman who was driving the white van told responding officers that she heard gunshots, walked downstairs, and observed ██████████ underneath her back porch stairs. ██████████ told her he was shot and needed an ambulance. Chicago Fire Department personnel then arrived on scene.

The **Office of Emergency Management and Communications (OEMC) Event Queries,**³⁵ **Radio Transmissions, and 911 calls**³⁶ document the following relevant and material communications. At around 12:08 p.m., Officer White called 911, identified himself as an officer, and issued a 10-1, summoning emergency assistance, and reported shots fired at ██████████ in the rear. Officer White reported that two Black males in a dark blue Pontiac tried to carjack him while he was in his car, a black Jeep Wrangler. They fired at him, and he also fired. Officer White said one of the males had dreadlocks and wore dark clothing; the second male wore red bottoms and fled northbound from the north alley on Kedvale.³⁷ Responding officers provided an updated description of the two subjects: a Black male, 6'1" tall, wearing a dark hoodie and red joggers; and a Black male with dreads, wearing blue jeans, a black coat, black hoodie, and a light gold tee.³⁸ At around 12:25 p.m., a female caller requested an ambulance at ██████████, claiming she was shot.³⁹ Officers subsequently discovered ██████████ with a gunshot wound at that location, inside a white Dodge. Officers located a second subject matching the description with red pants, a black jacket and short dreads at Kedvale Avenue and Roosevelt Road.⁴⁰

Evidence Technician Photographs⁴¹ depict the shooting scene, involved vehicles, and recovered evidence from various angles. The photographs of the Jeep include multiple images of suspected bullet damage.

Officer White viewed a **photo lineup**⁴² and identified the photograph of ██████████ as the "person who tried to rob me of my car."⁴³

c. Physical Evidence

The **Bureau of Internal Affairs Synoptic Report**⁴⁴ documents that on January 1, 2021, at approximately 3:08 p.m., Officer White submitted to a urine drug test which revealed negative results. On the same date, at approximately 3:35 p.m., Officer White took a breathalyzer test and returned a breath alcohol content reading of .000.

³⁵ Attachments 57-58.

³⁶ Attachments 16-25.

³⁷ Attachment 18.

³⁸ Attachment 25 at 12:20.

³⁹ Attachment 17.

⁴⁰ Attachment 25 at 26:00.

⁴¹ Attachment 35, 53.

⁴² Attachments 42-43, 47.

⁴³ Attachment 42, page 5.

⁴⁴ Attachment 33.

Medical records⁴⁵ document that ██████ sustained a gunshot wound to his left shoulder, and he was diagnosed with a left proximal humerus fracture.⁴⁶ He was unwilling to share details about the event with medical personnel.⁴⁷

The **Illinois State Police (ISP) Laboratory Reports—Microscopy Trace**⁴⁸ document that a forensic scientist analyzed gunshot residue collection kits administered to ██████ and ██████ and concluded that the subjects may not have discharged a firearm with either hand. If any of the subjects did discharge a firearm, then the particles were not deposited, were removed by activity, or were not detected by the procedure. A forensic scientist also analyzed gunshot residue collection kits administered to ██████ blue jacket and black jeans and concluded that the areas sampled of the upper thighs of the black jeans were in the environment of a discharged firearm or contacted a primer gunshot residue (PGSR) related item.⁴⁹ Conversely, the scientist determined that the sampled areas of the blue jacket may not have been in the environment of a discharged firearm or contacted a PGSR related item. If the sampled areas were in the environment of a discharged firearm or contacted a PGSR related item, then the particles were not deposited, were removed by activity, or were not detected by the procedure.

The **ISP Laboratory Report—Firearms/Toolmarks**⁵⁰ documents the examination and testing of Officer White's weapon. The pistol was operable as received, and it was test-fired using the magazine submitted with the weapon. A forensic scientist determined that eight Blazer 9mm Luger fired cartridge cases, one Winchester 9mm Luger+P fired cartridge case, and one fired bullet recovered from the scene were fired by Officer White's weapon. Five additional 9mm Luger fired cartridge cases recovered from the scene were not fired by Officer White's weapon, but they were fired by the same firearm. One fired bullet recovered from the scene was eliminated as being fired by Officer White's weapon.

d. Documentary Evidence

An **Arrest Report**⁵¹ documents that ██████ was arrested and charged with Aggravated Battery/Great Bodily Harm and two counts of Attempted First Degree Murder. Per the report, officers responded to a 10-1/ shots-fired call in the 1200 block of S Kedvale involving a Black male with dreadlocks. Responding officers observed ██████ who matched that description, less than half a block from the incident with a piece of clothing wrapped around his upper left arm. A subject assisting ██████ told officers that ██████ had been shot. Officers observed a gunshot wound to ██████ upper left arm, and they subsequently rendered aid and requested an ambulance. ██████ was positively identified via photo array as the person who discharged a firearm at Officer White.

⁴⁵ Attachment 36.

⁴⁶ A humerus fracture is a break in the large bone of your upper arm.

⁴⁷ ██████ told hospital personnel that he has a rod in his left arm and chronic left-hand weakness from a previous gunshot wound.

⁴⁸ Attachments 45, 51.

⁴⁹ Attachments 4, 52.

⁵⁰ Attachment 46.

⁵¹ Attachment 6.

Arrest Reports⁵² document that [REDACTED] and [REDACTED] were arrested and positively identified for participating in the Aggravated Assault/ attempted shooting of Officer White. [REDACTED] and [REDACTED] were both released without charges.

A **Tactical Response Report**⁵³ completed by Officer White documents that an unknown subject armed with a semi-automatic pistol posed an imminent threat of battery with a weapon, physically attacked with a weapon, used force likely to cause death or great bodily harm, shot at Officer White, and fled. Officer White discharged his firearm nine times, striking the subject who was later identified as [REDACTED]

The **Inventory and Crime Scene Processing Reports**⁵⁴ document the recovery of evidence following the shooting. Evidence Technicians recovered seven fired cartridge cases stamped “Blazer 9mm Luger” and one fired cartridge case stamped “Win 9mm Luger” from inside Officer White’s Jeep, along with one fired cartridge case stamped “Blazer 9mm Luger” from the rear lot pavement at [REDACTED]. Also recovered were one fired cartridge case stamped “RP 9mm Luger” from the rear lot pavement at [REDACTED], one fired cartridge case stamped “PMC 9mm Luger” from the rear lot pavement at [REDACTED], one fired cartridge case stamped “CBC 9mm Luger” from the rear lot pavement at [REDACTED], one fired cartridge case stamped “Aguila 9mm Luger” from the rear lot pavement at [REDACTED], one fired cartridge case stamped “CBC 9mm Luger” from the top of a city garbage can located at 1248 S. Kedvale; two fired bullets from the rear lot pavement at [REDACTED], one fired bullet from the rear driver side floor board of the Jeep; and one fired bullet from an apparent bullet hole near the driver side hood of the Jeep. Evidence technician photographs depict a white Chevrolet Equinox SUV in a parking space adjacent to and south of Officer White’s Jeep in the rear lot pavement of [REDACTED] and the fired cartridge cases stamped “RP 9mm Luger,” “PMC 9mm Luger,” “CBC 9MM Luger,” and “Aguila 9mm Luger” are to the west and south of the white Equinox.⁵⁵ There were seven apparent bullet holes on the Jeep,⁵⁶ which was parked in the rear lot of [REDACTED] and two apparent bullet holes on the front of a garage at 1247 S. Keeler.

The reports also document the processing of Officer White’s Glock Model 19 pistol and Glock magazine.⁵⁷ The pistol’s magazine capacity was fifteen plus one chambered round. There were six live rounds of ammunition in the magazine and one live round in the chamber, all stamped “Blazer 9mm Luger.”

⁵² Attachments 1, 8.

⁵³ Attachment 10.

⁵⁴ Attachments 2-4, 44, 52.

⁵⁵ Attachment 53. The white Equinox is not described in the Crime Scene Processing Report or shown on the associated Crime Scene Worksheet. Attachments 44, 52.

⁵⁶ There were two apparent bullet holes on the front driver-side windshield; one on the front driver-side interior door frame; one on the interior front driver-side sill; one on the interior front driver’s door bottom frame; one on the exterior front driver-side door; and one on the driver’s side of the hood.

⁵⁷ Generation 5, 9mm semi-automatic, Serial Number [REDACTED]

An **Initiation Report**⁵⁸ documents that the firearm Officer White used in this incident was unregistered. Officer White subsequently registered his firearm with the Department on January 4, 2021.⁵⁹

During a **canvass**, COPA⁶⁰ and CPD⁶¹ located several individuals who heard gunshots but did not locate any eyewitnesses to the shooting. One of Officer White's neighbors, [REDACTED] [REDACTED] said he heard approximately ten gunshots. He looked out the window and observed a Black male wearing red jogging pants and a black jacket running westbound through the gangway at 1237 S Keeler. He then observed Officer White, who he knows as Fred, standing on the second-floor porch at [REDACTED] with a tenant whom he knows as [REDACTED]. Officer White told [REDACTED] that the blue car parked in the alley drove around the block, and as Officer White was parking a subject jumped out of the blue car with a gun. [REDACTED] added that he saw the police arrest a Black male wearing a yellow jacket or shirt. Additionally, residents [REDACTED] and [REDACTED] [REDACTED] reported seeing a black male wearing red running from the area.⁶² The subject in red asked [REDACTED] to use his phone—which he denied.

A **Supplementary Report**⁶³ documents that detectives observed a damaged, 4-door, black, 2021 Jeep Wrangler facing westbound on the rear parking slab behind [REDACTED] and a damaged, 4-door, blue, 2008 Pontiac G-6 facing northbound on the west side of the alley at 1247 S Keeler.⁶⁴ The Pontiac had front bumper damage on the passenger and driver side and a flat tire on the rear passenger side. A search for [REDACTED] weapon was negative.

Officer Jeffrey Riordan, #7712,⁶⁵ told detectives he responded to the scene and observed officers placing [REDACTED] into custody. Officer Riordan observed several identification cards with the name [REDACTED] splayed on the ground in the gangway at 1247 S Keeler.

Officer James Farrell, #14204, told detectives that he and his partner, Officer Diego Flores, #2950, monitored a flash message describing a Black male wearing red jogging pants who was wanted regarding the 10-1 at [REDACTED]. Minutes later, the officers observed a subject matching the description, later identified as [REDACTED] standing on Roosevelt Road near Kedvale. [REDACTED] was bleeding and had a bandage on his right hand. Officer Farrell handcuffed [REDACTED] and they relocated to the alley of 13th Street and Kedvale where [REDACTED] participated in a show-up viewed by Officer White. [REDACTED] was positively identified, and [REDACTED] was subsequently transported to the Detective Division.

Officer Jason Bulkley, #9287,⁶⁶ told detectives that he toured the area for wanted offenders and saw a flash message containing a description of the vehicle involved in the incident, a 2008

⁵⁸ Attachment 5.

⁵⁹ Attachment 9.

⁶⁰ Attachment 34.

⁶¹ Attachment 54.

⁶² Attachment 54, pages 5-6.

⁶³ Attachment 56.

⁶⁴ The damage documented to Officer White's Jeep in the Detectives' Supplementary Report was consistent with that documented in the Crime Scene Processing Report.

⁶⁵ Officer Riordan's name is misspelled in the report as "Reardon."

⁶⁶ Misspelled in the report as "Buckley."

blue Pontiac sedan. Officer Bulkley realized the vehicle described belonged to [REDACTED] girlfriend. Officer Bulkley was aware that [REDACTED] routinely drove [REDACTED] vehicle and frequented the area of 13th and Keeler. Officer Bulkley also knew that [REDACTED] had been arrested for unlawful use of a weapon on December 15, 2020, in the blue Pontiac and was released from custody prior to December 25, 2020. Officer Bulkley observed Officer Riordan at 1255 – 1257 S Keeler, next to a white Dodge vehicle, and he stopped to assist Officer Riordan. Officer Bulkley opened the door to the Dodge, and [REDACTED] exited the vehicle. Officer Bulkley noted that [REDACTED] arm was wrapped and bleeding.

[REDACTED] ([REDACTED]) told detectives that she was at her daughter [REDACTED] ([REDACTED]) apartment at [REDACTED] when she heard approximately fifteen gunshots. [REDACTED] jumped up and checked on her daughter and grandchildren. [REDACTED] then looked out the back window and saw police in the alley. [REDACTED] heard moaning on the back porch and saw [REDACTED] crouching down under the stairs. [REDACTED] told [REDACTED] that he had been shot. [REDACTED] woke [REDACTED] and told her [REDACTED] was shot. [REDACTED] asked [REDACTED] if she should call the police, but he declined. [REDACTED] retrieved her white Dodge Durango and parked it in front of the building so she could transport [REDACTED] to the hospital. [REDACTED] sat in the front passenger seat and [REDACTED] sat in the rear seat. [REDACTED] heard sirens and a police officer approached her vehicle. [REDACTED] informed an officer [REDACTED] had been shot, and officers handcuffed [REDACTED]

[REDACTED] gave detectives an account consistent with [REDACTED] statement. [REDACTED] added that she ran out the back door of the apartment and wrapped a towel around [REDACTED] gunshot wound. [REDACTED] seemed out of it and did not say what happened. [REDACTED] dialed 911. [REDACTED] told detectives that she gave [REDACTED] permission to drive her Pontiac G6.

The Supplementary Report also documents that [REDACTED] received his Miranda rights at the hospital and invoked his right to an attorney. Detectives subsequently transported [REDACTED] to the Detective Division and attempted to have [REDACTED] participate in a lineup. Detectives described [REDACTED] as belligerent and obstructive, and a lineup became unfeasible. Detectives instead included [REDACTED] photograph in a photo array for identification.

[REDACTED] and [REDACTED] were released without charges.⁶⁷ Both gave voluntary statements to detectives and an assistant state's attorney following their release from custody, but they refused to be video recorded. In addition to the information [REDACTED] provided in his electronically recorded interview, [REDACTED] said he was intoxicated and tired when he awoke to the sound of gunshots and thought he was dreaming. [REDACTED] referred to [REDACTED] as [REDACTED] and described him as a childhood friend. [REDACTED] identified a photograph of [REDACTED] as the person he knows as [REDACTED] who was in the vehicle with him and [REDACTED] prior to the incident. After conferring with his defense attorney, [REDACTED] said that he was the front-seat passenger in a vehicle driven by his friend, [REDACTED] "The vehicle belonged to [REDACTED] girlfriend. [REDACTED]" one of [REDACTED] relatives, was in the rear seat. The vehicle crashed into a garage and [REDACTED] exited the vehicle. A man sitting in a Jeep fired a gun at [REDACTED]" [REDACTED] waited for the shooting to stop and exited

⁶⁷ Attachment 56, page 6.

the front driver-side door. █████ hopped a fence and fled on foot to Roosevelt Road. █████ cut his right hand when he hopped the fence. █████ briefly went inside a store, and he was arrested when he exited the store. █████ said he never saw █████ with a gun and does not know why the man in the Jeep shot at him. █████ refused to look at photographs to identify █████ and █████⁶⁸

VI. LEGAL STANDARD

A. Standard of Proof

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that a proposition is proved.⁶⁹ For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense.⁷⁰ Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true."⁷¹

B. Applicable Department Policy

1. Use of Force

The main issue in evaluating every use of force is whether the amount of force the officer used was objectively unreasonable, necessary, and proportional, in light of the totality of the

⁶⁸ Attachment 56, page 19.

⁶⁹ See *Avery v. State Farm Mut. Auto. Ins. Co.*, 216 Ill. 2d 100, 191 (2005) ("A proposition proved by a preponderance of the evidence is one that has been found to be more probably true than not true.").

⁷⁰ See *e.g.*, *People v. Coan*, 2016 IL App (2d) 151036.

⁷¹ *Coan*, 2016 IL App (2d), ¶ 28.

circumstances faced by the officer.⁷² Factors to be considered in assessing the reasonableness of force include, but are not limited to, (a) whether the subject was posing an imminent threat to the officer or others; (b) the risk of harm, level of threat or resistance presented by the subject; and (c) the subject's proximity or access to weapons.⁷³ Department members are limited to using "only the amount of force required under the circumstances to serve a lawful purpose."⁷⁴ Further, a Department member's use of force must be proportional to the "threat, actions, and level of resistance offered by a subject."⁷⁵

The Force Options directive divides subjects into categories based upon the amount of force the subject is using and provides for what types of force members are permitted to use against those subjects.⁷⁶ These categories are (a) cooperative subjects who are compliant without the need of force; (b) passive resistors who fail to comply, via non-movement, with verbal or other direction; (c) active resistors who attempt to create distance between themselves and members' reach with the intent to avoid physical control and/or defeat arrest; and (d) assailants who use or threaten the use of force that is likely to cause physical injury.⁷⁷

Department policy recognizes that Department members must "make split-second decisions – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation. These decisions must therefore be judged based on the totality of the circumstances known by the member at the time and from the perspective of a reasonable Department member on the scene, in the same or similar circumstances, and not with the benefit of 20/20 hindsight."⁷⁸

2. Use of Deadly Force

The Department's "highest priority is the sanctity of human life."⁷⁹ Deadly force includes, but is not limited to discharging a firearm in the direction of a person to be arrested or at a vehicle in which the person to be arrested is riding.⁸⁰ Department policy dictates that "[t]he use of deadly force is a last resort that is permissible only when necessary to protect against an imminent threat to life or to prevent great bodily harm to the member or another person."⁸¹ Thus, a Department member may use deadly force in only two situations. First, deadly force may be used to prevent death or great bodily harm from an imminent threat posed to the sworn member or another person.⁸² Second, deadly force may be used to prevent an arrest from being defeated by resistance or escape, where the person to be arrested poses an imminent threat of death or great bodily harm

⁷² G03-02(III)(B).

⁷³ G03-02(III)(B)(1).

⁷⁴ G03-02(III)(B)(2).

⁷⁵ G03-02(III)(B)(3).

⁷⁶ G03-02-01.

⁷⁷ G03-02-01(IV).

⁷⁸ G03-02(II)(D).

⁷⁹ G03-02(II)(A).

⁸⁰ G03-02(III)(C)(1)(a).

⁸¹ G03-02(III)(C)(3).

⁸² G03-02(III)(C)(3)(a).

to a sworn member or another person unless arrested without delay.⁸³ “A threat is imminent when it is objectively reasonable to believe that:

- (a) the subject’s actions are immediately likely to cause death or great bodily harm to the member or others unless action is taken; and
- (b) the subject has the means or instruments to cause death or great bodily harm; and
- (c) the subject has the opportunity and ability to cause death or great bodily harm.”⁸⁴

3. De-escalation Principles

When using any force, Department members will use de-escalation techniques to prevent or reduce the need for force, when it is safe and feasible under the totality of the circumstances.⁸⁵ This includes continually assessing the situation and modifying the use of force as circumstances change and in ways that are consistent with officer safety, including stopping the use of force when it is no longer necessary.⁸⁶ The requirement to continually assess the situation means they must determine (1) if any use of force is necessary; (2) the authorized force option based on the totality of the circumstances; (3) if the seriousness of the situation requires an immediate response or whether the member can deploy other force options or the Force Mitigation Principles; and (4) if the level of force employed should be modified based upon the subject’s actions or other changes in the circumstances.⁸⁷

The policy provides the following Force Mitigation Principles:

- (a) Continual Communication: using verbal control techniques to avoid or minimize confrontations prior to, during, and after the use of physical force, including persuasion, advice, and instruction prior to the use of physical force.⁸⁸
- (b) Tactical Positioning: making advantageous use of positioning, distance, and cover by isolating and containing a subject and continuously evaluating the member’s positioning, the subject’s actions, and available force options. This includes creating a “zone of safety” for the security of the responding members and the public.⁸⁹
- (c) Time as a Tactic: using time as a tactic by establishing a zone of safety for security of responding members and the public. This may (1) permit the de-escalation of the subject’s emotions and allow the subject an opportunity to comply; (2) allow for continued communication with the subject and adjustment of verbal control techniques; and (3) allow for the arrival of additional members.⁹⁰

⁸³ G03-02(III)(C)(3)(b).

⁸⁴ G03-02(III)(C)(2).

⁸⁵ G03-02(III)(B)(4).

⁸⁶ G03-02-01(II)(F).

⁸⁷ G03-02-01(II)(F).

⁸⁸ G03-02-01(III)(A).

⁸⁹ G03-02-01(III)(B).

⁹⁰ G03-02-01(III)(C).

4. Mixed Ammunition

Department policy mandates all duty and non-duty firearms owned or possessed by Department members be fully loaded with only one manufacturer and style of prescribed ammunition (same bullet type and grain weight).⁹¹

5. Firearm Registration with the Department

Department members are required to register all duty and non-duty firearms with the Department.⁹² Firearms need only be registered once, and there is no fee for registration. “It is the responsibility of the sworn member owning or possessing a firearm to comply with these provisions.”⁹³

6. Annual Firearm Qualification

Department policy directs Department members to “qualify annually with all prescribed, alternate prescribed, or auxiliary firearms, and short-barreled revolvers prior to carrying the firearm on or off duty.”⁹⁴

VII. LEGAL ANALYSIS

A. Credibility Assessment

COPA has completed its investigation and determined that the available evidence did not support allegations of excessive force against Officer White. In making the determination, COPA weighed the credibility and reliability of all available statements and evidence discussed above. There was no GPS data, video footage, nor audio recordings capturing the incident. Nor did ██████████ provide a statement to COPA. As such, the question of whether Officer White’s use of force was within policy rests largely on his credibility. The credibility of an individual relies primarily on two factors: 1) the individual’s truthfulness, and 2) the reliability of the individual’s account. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual’s ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory.

During Officer White’s interview with COPA, Officer White stated that he initially observed the Pontiac while he was on his way to his residence; the Pontiac was double-parked in the wrong lane of traffic. Officer White did not find this unusual since he knew the area as a place where people often bought loose cigarettes. According to Officer White, he saw the Pontiac again as he backed his Jeep Wrangler into a parking space in the alley behind his apartment building. He said the Pontiac was driving rapidly toward him. After he parked his vehicle, the Pontiac stopped directly in front of his Jeep, hitting a garage in the process. Officer White estimated that the Pontiac was 10 to 15 feet from his Jeep. Officer White saw ██████████ exit the Pontiac with an upset expression on his face and a semi-automatic gun in his left hand. ██████████ approached the front

⁹¹ U04-02(II)(H).

⁹² U04-02(II)(F).

⁹³ U04-02(VII)(A).

⁹⁴ U04-02(II)(D)(4)(a).

driver side of Officer White's Jeep and pointed the gun at Officer White. When [REDACTED] approached Officer White's Jeep, he and [REDACTED] exchanged gunfire. Officer White was unsure who shot first but said he did not fire until he saw [REDACTED] raise the gun and point it at him. Officer White asserted he discharged his firearm eight to ten times, firing through his windshield and the driver's side window and also striking the door frame. Officer White stopped firing when [REDACTED] fled southbound and was no longer in Officer White's field of vision.

The evidence does not contradict Officer White's account. The photographs show the Pontiac parked in front of the Jeep, although the vehicles appear slightly more than 15 feet apart. The front bumper of the Pontiac was hanging off and there appeared to be a small dent in the garage. There were also two bullet holes in the Jeep's windshield, and damage to the Jeep's driver's side door frame, window, and side mirror. This is consistent with Officer White shooting from inside his Jeep.

No gun was located on [REDACTED] or in the surrounding area, and [REDACTED] told COPA that he never saw [REDACTED] with a gun. But the physical evidence collected at the scene establishes that it is probable that there was an exchange of gunfire. Approximately 15 shell casings were found on the scene; ten of those came from Officer White's gun. Five casings were fired from the same, unavailable, gun.⁹⁵ Therefore, it is plausible that [REDACTED] was also armed. Although [REDACTED] hands tested negative for gunshot residue, his pants tested positive, indicating he was likely in an environment where a gun was discharged or had contact with gun residue.⁹⁶

Officer White's casings were found inside his Jeep and on the ground near the Jeep's driver's side door, further corroborating his account.⁹⁷ As for the other casings, they were located behind and to the south of the white Chevrolet Equinox parked south of Officer White's Jeep.⁹⁸ Although it is unclear exactly where [REDACTED] was standing as he fired, the location of the five casings believed to have been fired by [REDACTED] corroborates Officer White's statement that [REDACTED] fled south down the alley.

B. COPA concludes that Officer Fredrick White's use of force was authorized under Department Policy.

As noted above, COPA has completed its investigation and determined that the available evidence did not support allegations of excessive force against Officer White.

1. Officer White could not safely employ any de-escalation tactics.

Under the circumstances described by Officer White and consistent with the physical evidence recovered at the scene, COPA finds it probable that he could not safely or feasibly employ de-escalation tactics. According to Officer White, he was inside his Jeep when [REDACTED] approached him with a gun. If so, then Officer White would not have a significant opportunity to employ any de-escalation tactics because he was essentially cornered. He may have been able to duck or

⁹⁵ Attachment 46.

⁹⁶ Attachment 45, 51.

⁹⁷ Attachments 44, 52.

⁹⁸ Attachments 44, 52.

command ██████ to drop the gun, but that would have been only a temporary, and possibly unsuccessful, solution. As such, it could have been unsafe for Officer White to employ any de-escalation tactics since he was still inside of his Jeep.

2. ██████ was an assailant whose actions constituted an imminent threat of death or great bodily harm.

COPA finds that, accepting Officer White's account, ██████ was an assailant whose actions constituted an imminent threat. ██████ actions – blocking Officer White's vehicle, displaying a firearm, and approaching him while he was still seated in his vehicle – were actions that could be immediately likely to cause death or great bodily harm. Officer White also told COPA that ██████ was visibly upset and angry. Because ██████ was armed with a gun, he had the opportunity and ability to cause death or great bodily harm by firing his weapon toward Officer White's occupied vehicle. Therefore, Officer White was authorized to use deadly force because ██████ was an imminent threat.

3. Officer White's use of force was objectively reasonable, necessary, and proportional.

Officer White asserted that he did not discharge his weapon until after he saw ██████ raise a firearm and point it towards him. In his interview with COPA, Officer White explained that there was a bend in ██████ elbow and that ██████ began to raise and point up a firearm, which would indicate to a reasonable person that ██████ would shoot. Furthermore, Officer White stopped firing when ██████ stopped and was no longer in Officer White's field of vision. Officer White fired nine times, and it is probable that ██████ fired five shots in Officer White's direction. Based on these facts, and the fact that he faced an imminent threat, COPA finds that Officer White's firearm discharge was objectively reasonable, necessary, and proportional to the threat he faced.

C. Officer White failed to fully load his firearm with only one manufacturer and style of prescribed ammunition.

COPA finds that **Allegation #1** against **Officer Fredrick White**, that he failed to fully load his Glock Model 19 (Gen 5), semi-automatic pistol, serial number ██████ with only one manufacturer and style of prescribed ammunition, in violation of U04-02 is **Sustained**. Department policy requires firearms to be "fully loaded with only one manufacturer and style of prescribed ammunition (same bullet type and grain weight)."⁹⁹ An ISP forensic scientist determined that eight Blazer 9mm Luger fired cartridge cases and one Winchester 9mm Luger+P fired cartridge case recovered from the scene were fired by Officer White's weapon. The Winchester 9mm Luger+P fired cartridge case was recovered from the front passenger side sill of Officer White's Jeep. Officer White said he was unaware he had mixed ammunition in his firearm and believed it was all the same. The evidence is sufficient to prove by a preponderance of the evidence that Officer White's firearm was not fully loaded with only one manufacturer and style of prescribed ammunition. Therefore, this allegation is Sustained as a violation of Rules 2, 3, 5, and 6.

⁹⁹ U04-02(II)(H).

D. Officer White failed to register his Glock Model 19 (Gen 5).

COPA finds that **Allegation #2** against **Officer Fredrick White**, that he failed to register his Glock Model 19 (Gen 5), semi-automatic pistol, serial number [REDACTED] with the Department, in violation of U04-02 is **Sustained**. Department policy requires that all firearms owned by a sworn member must be registered per order of the Superintendent.¹⁰⁰ Department records indicate that Officer White's firearm was not registered with the Department on the date of incident. In fact, Officer White said he purchased the involved firearm three months prior to the incident and had not yet registered it. The evidence is sufficient to prove by a preponderance of the evidence that Officer White failed to register his Glock Model 19 (Gen 5) with the Department. Therefore, this allegation is Sustained as a violation of Rules 2, 3, 5, and 6.

E. Officer White failed to qualify with his Glock Model 19 (Gen 5).

COPA finds that **Allegation #3** against **Officer Fredrick White**, that he failed to qualify with his Glock Model 19 (Gen 5), semi-automatic pistol, serial number [REDACTED] in violation of U04-02 is **Sustained**. Department policy requires Department members to qualify annually with all prescribed, alternate prescribed, or auxiliary firearms, and short-barreled revolvers prior to carrying the firearm on or off duty.¹⁰¹ Department records show that Officer White had not qualified with the weapon used in this incident. In his statement to COPA, Officer White acknowledged the same. The evidence is sufficient to prove by a preponderance of the evidence that Officer White failed to qualify with his Glock Model 19 (Gen 5) pistol. Therefore, this allegation is Sustained as a violation of Rules 2, 3, 5, and 6.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS**a. Officer Fredrick White****i. Complimentary and Disciplinary History¹⁰²**

Officer White has received 19 Honorable Mentions and the 2019 Crime Reduction Award. Officer White was issued a reprimand for a July 2022 court appearance violation.

ii. Recommended Penalty

COPA has found that Officer White violated Rules 2, 3, 5, and 6 when he failed to fully load his firearm with one manufacturer and style of prescribed ammunition, and that Officer White failed to register or qualify with the firearm that he discharged in this incident. The Department requires that members register their firearms, receive training provided by a certified instructor, and demonstrate proficiency with each firearm before being approved to carry the firearm, on or off duty. These requirements are meant to ensure that the member can safely handle and use the firearm. By choosing to carry an unregistered firearm that he had not qualified with, Officer White demonstrated poor judgment and a lack of appreciation for an important safety directive.

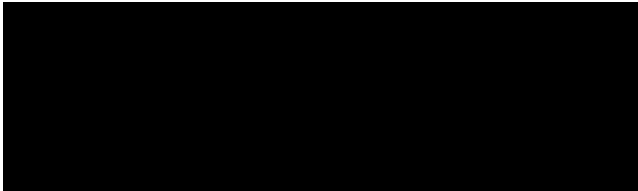
¹⁰⁰ U04-02(VII)(A)(1).

¹⁰¹ U04-02(II)(D)(2)-(3); U04-02(II)(D)(4)(a).

¹⁰² Attachment 66.

Considering these violations, along with Officer White’s complimentary and disciplinary history, COPA recommends that Officer White be suspended for a minimum of 10 days.

Approved:



Angela Hearts-Glass
Deputy Chief Investigator

May 30, 2023

Date



Andrea Kersten
Chief Administrator

May 30, 2023

Date